S.B.Cr.Misc. IIIrd Bail App. No.4843/2007

(Ram Prasad vs. State of Rajasthan)

Date of order : October 26, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.B.S.Rathore, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

This is third bail application.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

It is contended by learned counsel for the petitioner that after rejecting the earlier bail application, the material prosecution witnesses have been examined by the trial court. He has invited my attention to the statement of PW.2 Shiv Ram, an eye-witness. He has specifically named the persons, who caused the injuries. The name of the petitioner does not find amongst the accused persons, who caused the injuries. Learned counsel for the petitioner submits that as many as 20 co-accused have been granted bail in the instant case viz. Bunti alias Hemraj, Bhaguta, Jeevraj, Ishwar, Narain, Ranu, Mahaveer s/o Banna Gurjar, Mahaveer s/o Hagani Lal, Narendra, Onkar, Ram Swaroop s/o Raghunath Gurjar, Ram Kishan, Shri Ram alias Shivraj, Om Shanker, Ram Swaroop s/o Kishan Berwa, Kishan Lal, Bheru Lal, Komal Kumar, Lala and Ganesh and the case of

the present petitioner is not distinguishable from that of co-accused, who have been granted bail by a Co-ordinate Bench of this Court vide orders dt. 16.8.2007, 2.8.2007, 26.7.2007, 3.8.2007 and 10.8.2007 respectively in S.B.Cr.Misc. Bail Applications No.3905/2007, 2377/2007, 2608/2007, 3642/2007 and 3666/2007 respectively. This fact has not been disputed by the learned Public Prosecutor.

Having regard to the facts and circumstances of the case and the fact that the petitioner has not been named as assailant and the fact that similarly situated co-accused have already been granted bail, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Ram Prasad s/o Chhotu be released on bail in CR. No.112/2006, P.S. Phulia provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-